IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPLICATION No.3327 of 2007

Paresh Bhanji Nanda @ Bhanushali ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr M. S.Mohite i/b Ashoka Law Firm.

Mr K. V. Saste, APP for the Applicant.

CORAM: V.C. DAGA,J.
DATED: 25TH OCTOBER, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused impugned order refusing bail to the present applicant dated 5.10.2007 passed by the Adhoc Additional Sessions Judge, Raigad at Alibagh in Criminal M. A. No. 968 of 2007.

3. I was taken through the said order. It is difficult to make out any meaning from the said order. The order is cryptic,casual and purfunctory. In this view of the matter, both parties agree that impugned order be set aside without examining merits or demerits thereof and the matter be remitted back to the I Ad-hoc Additional Sessions Judge, for consideration afresh.

4. In the above view of the matter, the impugned order dated 5th October, 2007 passed Below Exh.1 in Cri.Misc.Application No.968 of 2007 is set aside and the said application is restored to the file of learned Ad-hoc Additional Sessions Judge, Raigad at Alibag and remitted back for consideration afresh. The learned Ad-hoc Additional Sessions Judge is expected to deal with the contentions of the parties and give reasons for refusal of bail so as to enable the higher Court to read his mind.

5. The application is accordingly disposed of in the above terms.

6. Needless to mention that interim protection granted by this Court vide order dated 11th October, 2007 shall remain in force by way of interim arrangement for a period of two weeks. It will be open for the applicant to pray for appropriate interim order before the Court below, which the court may consider on it's own merits without getting influenced by this order.

(V.C. DAGA,J.)